



PLANNING COMMISSION MINUTES

Meeting of August 13, 2015

City Hall Council Chambers * 290 North 100 West Logan, UT 84321 * www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session Thursday, August 13, 2015. Chairman Davis called the meeting to order at 5:30 p.m.

Planning Commissioners Present: Amanda Davis, Roylan Croshaw, Tom Jensen, Tony Nielson, Russ Price, Sara Sinclair

Planning Commissioners Absent: David Butterfield

Staff Present: Mike DeSimone, Russ Holley, Amber Reeder, Bill Young, Paul Taylor, Craig Humphreys, Kymber Housley, Debbie Zilles

The oath of office was given to new Planning Commissioner Tony Nielson by City Recorder, Teresa Harris.

Minutes as written and recorded from the July 23, 2015 meeting were reviewed. Commissioner Price moved that the minutes be approved as submitted. Commissioner Sinclair seconded the motion. The motion was unanimously approved.

PUBLIC HEARING

PC 15-038 Bridgerland Meadows Zone Change Don Barringer, authorized agent/owner, requests a rezone of 3.46 acres (a portion of Phase IV) from MR-12 to MR-20 located at 1530 North 500 West.

STAFF: Mr. Holley reviewed the request to rezone a 3.4 acre portion of phase 4 of the previously permitted Bridgerland Meadows multi-family home project from MR-12 to MR-20. The area is approximately the western half of phase 4 directly adjacent to 500 West and 1530 North.

Phase 1 was approved in 2004 under the MFM zoning classification, with subsequent phases 2-4 approved in 2006. The total project was approved with 286 townhome-style dwelling units, a clubhouse and storage buildings. Phase 1 has 74 units on 7.29 acres, phase 2 has 43 units on 5.54 acres, phase 3 has 93 units on 7.62 acres and phase 4 has 76 units on 4.88 acres. Density was approved on an overall gross project basis, not phase by phase.

In October of 2011 the proponent applied to amend phase 3 so that the last two buildings in that phase would have three (3) additional units. The additional units were taken from phase 4, so that the overall density would not change. The areas of the overall project yet to be constructed are the storage buildings in phase 2 and the remaining approximate 3.46 acres within phase 4.

After numerous public hearings, neighborhood meetings and workshops over the past several years in the Bridger Neighborhood, it has become increasing evident that this area already has enough density and a disproportionate amount of multi-family projects as compared to the other neighborhoods.

The applicant willingly proposed and was approved to take three (3) units from phase 4 in 2011 to build two new 6-plexs instead of the originally approved 4-plex and 5-plex. The applicant was never given any guarantee or entitlement to somehow regain these 3 units later on.

The Future Land Use Plan (FLUP) indicates the area as MR having a range of 15-30; the zoning ordinance has further defined the MR designations into four different classifications. The zoning map for this area has been reviewed and adopted twice in the last five years. Staff recommends denial of this rezone request.

PROPONENT: Don Barringer, owner of the development, explained that they have been working on this project since 2004. It was originally approved for 286 units on 26 acres with approximately 4 acres of open space/park area in the middle of the development. Coming out of the recession in 2011, the decision to build a smaller unit to be more affordable and marketable was made. Staff was asked if it would be feasible to build a smaller unit during phase 3 while still maintaining the overall number of units. At that time, the City had a density bonus program and the developer was told that those units would be given back during phase 4. When phase 4 was started, Mr. Barringer was told that there was no longer a density bonus program. He explained that this zone change request is confusing because it states that MR-20 is being requested on 3.46 and that is not what they are trying to accomplish, the goal is to build two 6-plex units instead of two 4-plex units on the north end of the property.

Kris Kvarfordt, Cache-Landmark Engineering, clarified that the original density worked out to be 11 units/acre (which is lower than the current MR-12 zone). Based on the current zone, there could be a maximum of 312 units; however, the request is only for a total of 293. Requesting this zone change is the only mechanism in which to get back the additional units. A design review packet was submitted at the same time as the zone change application to emphasize that the intent is for only the additional units; the proponent would even be willing to enter into a development agreement if necessary.

PUBLIC: Emails from Todd Grant, Dean Quayle and Frank Schofield, the Superintendent of the Logan City School District, regarding opposition to the zone change were received and distributed to the Commission prior to the meeting.

COMMISSION: Mr. Holley pointed out that consideration at this meeting is only for the rezone of 3.4 acres. Any change in building and/or layout would be addressed during the design review process.

Mr. Barringer confirmed for Commissioner Croshaw that the units are sold, although some may be turned in rentals, the goal is for private ownership.

Commissioner Jensen asked about the difference in the number of units allowed if the zone was changed from MR-12 to MR-20. Mr. Holley said it could be approximately 20 additional units on the 3.4 acre portion at maximum density. The applicant has only asked for 6 additional units.

The Commission reviewed the current zoning of the area.

Commissioner Jensen pointed out that although the additional units would not be a huge concern, that neighborhood has been very vocal about over-density and changing the zone would not send the right message. He did note his appreciation for the open space considerations in the design.

Although the project as a whole is under the allowable density, Commissioner Croshaw agreed with Commissioner Jensen's concerns.

Mr. Housley answered for Commissioner Jensen that because this is a separate parcel, the only way to obtain the additional units would be through a zone change.

MOTION: Commissioner Sinclair moved to forward **a recommendation for denial** to the Municipal Council for a zone change as outlined in PC 15-038 with the findings as listed below. Commissioner Price seconded the motion.

FINDINGS FOR DENIAL

1. The rezone is not consistent with the original project approval and development project.
2. The rezone would likely result in further frustration by neighborhood residents and school district employees about land use in the Bridger Neighborhood.
3. The zoning in this area has already been reviewed and adopted twice in the last 5 years to allow existing multi-family projects to be completed, but to not allow changes or new multi-family projects in the area.

Moved: Commissioner Sinclair Seconded: Commissioner Price **Passed: 5-1**

Yea: A. Davis, T. Jensen, T. Nielson, R. Price, S. Sinclair Nay: R. Croshaw Abstain:

PC 15-039 Whispering Oaks Zone Change Joshua Wiscombe/Jensen, Raymond & Judy Z Trust, authorized agent/owner, request a zone change from Resource Conservation (RC) to Mixed Use (MU) on 1.10 acres located at 2250 S. Hwy 89/91.

STAFF: Ms. Reeder reviewed the request to rezone (1) parcel totaling 1.10 acres located at 2250 South Hwy 89/91, from Resource Conservation (RC) to Mixed Use (MU).

The City of Logan adopted zoning regulations in August of 1950. This property was annexed into Logan City in 2007. The property was zoned AG- Agricultural from 2007 to 2011. The property was designated Resource Conservation (RC) under the 2011 Land Development Code update.

Staff is recommending denial of this rezone request. The site is surrounded to the north, east, and west by Logan City and land that is similarly used and designated as a rural residential use. The area is indicated on the General Plan and the South Corridor Plan for rural residential use and the Mixed Use designation is not consistent with those plans.

A Mixed Use development may be compatible with the adjacent commercial use but the size of the subject property does not allow for much area to transition use and intensity to the surrounding rural residential areas. The objectives of the Mixed Use zone are not consistent with the South Corridor development guidelines for the highway corridor.

The potential project includes small detached residences at just over 16 units per acre. This would provide a transition between Nibley and the more rural areas but the proximity of the area to commercial development and the highway does not seem suitable to single-family residential development. The site is not readily adjacent to all services for development and would not be appropriate for all development allowed within the Mixed Use zoning designation.

PROPONENT: Joshua Wiscombe explained that the “tiny home development” is a relatively new concept. He believes this is a good area because it is small enough in acreage to accommodate the project. The idea allows people to own rather than rent. There is quite a bit of foliage in the area, which will remain, as well a plan for putting in more trees and berming for additional privacy. The biggest concern is access to sewer and utilities; however, he has talked with Nibley City’s Mayor who likes the project. If the zone is not changed, he would like a boundary line adjustment so that the parcel could be in Nibley City. He also noted that Camp Saver, on the adjacent property to the south, has property they might be willing to sell to create more open space within the development.

PUBLIC: An email from Shari Phippen, Nibley City Planner, supporting denial of the zone change, was received and distributed to the Commission prior to the meeting.

Bette Pitcher, 2240 S. Hwy 89/91, lives next door to the proposed project and explained that all the residents in the area are on a private well. She thinks development here is a bad idea because of the awful traffic on the highway.

Shirley Reeder, 1265 W. 2200 S., lives across the street and said there are already too many residents for that area. Even with the proposed small homes, it will increase people and traffic. Because of the nature and style of homes, they could also become quite transient.

COMMISSION: Commissioner Price asked about the Fire Department's comment on the Staff Report regarding no fire hydrants close enough to serve the area. Ms. Reeder said that was encapsulated within condition #4 *"The infrastructure providing access and utility services to the subject property do not have adequate capacities or are at a suitable level of service for the permitted uses with the new zoning district"*.

Commissioner Jensen asked if each unit would be separately owned. Mr. Wiscombe explained that the project would be condominimized; however, each unit would be on a fixed foundation.

Commissioner Croshaw asked about access onto Hwy 89/91 and whether UDOT has been involved. Mr. Wiscombe said they have not heard back from UDOT, however, there are two accesses and the owner of Camp Saver has indicated the possibility of allowing access to the development. Commissioner Croshaw said he is quite concerned about adding traffic flow onto the highway.

Commissioner Jensen said he thought this was a good project but the wrong location. The South Corridor Master Plan dictates the goals of this area. The highway is the artery and lifeblood into the valley and he believes development along this corridor would degrade the highway.

Commissioner Price agreed with Commissioner Jensen. This is a commendable approach and there is room for this type of development somewhere, however, not at this location. The Mixed Use seems inappropriate in terms of zoning being discussed here; it is not helpful to find ways around zoning ordinances to allow for particular development.

Commissioner Sinclair said the idea of tiny housing is quite positive, but does agree that this particular location is questionable.

MOTION: Commissioner Jensen moved to forward **a recommendation for denial** to the Municipal Council for a zone change as outlined in PC 15-039 with the findings as listed below. Commissioner Sinclair seconded the motion.

FINDINGS FOR DENIAL

1. The property location is not compatible with the purpose of the Mixed Use (MU) zoning district.
2. The property is not suitable for all development within the new zoning district without increasing the need for variances or special exceptions.
3. The location property is not suitable for all of the permitted uses within the new zoning district.
4. The infrastructure providing access and utility services to the subject property do not have adequate capacities or are at a suitable level of service for the permitted uses within the new zoning district.
5. The property, when used for the permitted uses in the new zoning district, will not be compatible with adjoining land uses or the purpose of the adjoining zoning districts.
6. The zoning request is not consistent with the General Plan, which designates this area as RRA- Rural Reserve Area.

7. The request is not consistent with the Cache Valley South Corridor Development Plan and Preferred Land Use Plan map.

Moved: Commissioner Jensen Seconded: Commissioner Sinclair **Passed: 6-0**

Yea: A. Davis, R. Croshaw, T. Jensen, T. Nielson, R. Price, S. Sinclair Nay: Abstain:

PC 15-041 Goodsell Subdivision [Subdivision Permit] Craig Goodsell, authorized agent, requests a 2-lot subdivision on .45 acres located at 589 S. Park Ave. in the Neighborhood Residential (NR-6) zone; TIN 02-068-0060.

STAFF: Ms. Reeder reviewed the request for a 2-lot subdivision to separate the existing residence at 589 South Park Avenue from the land to the east and create a new building lot. The Land Development Code (LDC) permits subdivisions within the Neighborhood Residential (NR-6) zone with a maximum density of 6 units per acre and a minimum lot size of 6,000 SF.

PROPONENT: Craig Goodsell grew up on Park Ave and although traffic is growing in the area, he does not believe it is unmanageable. He has an elderly brother with disabilities who lives in the existing home. The goal is to subdivide to allow another home to be built and the area to be improved.

PUBLIC: An email from Karl Pettigrew regarding concerns with compatibility and traffic was received and distributed prior to the meeting.

COMMISSION: Commissioner Sinclair asked about the traffic concerns of the residents. Ms. Reeder explained that 600 South has a stop sign; however, there is a process for review that can be initiated to determine if additional traffic measures need to be implemented in the area.

MOTION: Commissioner Sinclair moved to **conditionally approve** a Subdivision Permit as outlined in PC 15-041 with the conditions of approval as listed below. Commissioner Nielson seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. Two (2) lots are approved with this subdivision permit.
3. The final plat shall be recorded within one (1) year of this action or comply with LDC §17.58 Expirations and Extensions of Time.
4. Prior to recording of a final plat or issuance of a building permit, the Director of Community Development shall receive a written memorandum from the following departments indicating that their requirement has been satisfied:
 - a. **Engineering**
 - i. Provide dimension from existing structures to proposed property lines to aid City in verifying that required setbacks are satisfied on lot 2.
 - ii. Provide a 5' public utility easement on each side of the common parcel line between lots 1 and 2.
 - iii. Surveyor to contact Logan City surveyor for original right-of-way markers found in this area to establish a basis for this survey.
 - iv. See Land Development Code §17.47 for required signature blocks and add a utility services signature block and all required items to be shown on the final plat. Final plat is submitted to City Engineer after Planning Commission meeting and must include any conditions from the Preliminary Plat Subdivision Permit.
 - b. **Water/Cross Connection**
 - i. Water meter setters need to have current Logan City standards for double-checks.

- ii. All landscape irrigation systems must have high-hazard backflow assembly if using City water.

FINDINGS FOR APPROVAL

1. The subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because the subdivision meets the minimum requirements of the Land Development Code (LDC).
2. Each lot conforms to the requirements of Title 17 of the Logan LDC in terms of lot size and development requirements.
3. Each lot is suitable for development within the Neighborhood Residential (NR-6) zone.
4. The project conforms to the requirements of Title 17.47 concerning hearings, procedures, application requirements and plat preparations.
5. The project meets the goals and objectives of the Detached Residential (DR) designations within the Logan General Plan.
6. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

Moved: Commissioner Sinclair Seconded: Commissioner Nielson **Passed: 6-0**

Yea: A. Davis, R. Croshaw, T. Jensen, T. Nielson, R. Price, S. Sinclair Nay: Abstain:

PC 15-037 LDC Amendment – 17.15 & 17.19 Minimum Side Setbacks Logan City requests amendment to the Land Development Code sections 17.15 & 17.19 to adjust the minimum side yard setback in the Mixed Residential (MR), Campus Residential (CR), Commercial (COM), Commercial Services (CS), Industrial Park (IP) and Airport (AP) zones to allow for common wall construction.

STAFF: Mr. DeSimone reviewed the proposed amendment to LDC Sections 17.15.080 (MR-9), 17.15.120 (CR), 17.19.070 (COM), 17.19.090 (CC), 17.19.110 (CS), 17.19.120 (I), and 17.19.130 (AP) to modify the side setbacks to provide for common walls (walls shared between buildings) which would typically have a zero setback. The modification to the existing language distinguishes between a common wall construction with a zero setback versus typical construction utilizing regular side yards without a common wall. The change does not authorize zero setbacks without common wall construction.

PUBLIC: Jeannie Simmonds asked if this would amend all the MR zones. Mr. DeSimone explained that the MR-12, MR-20 and MR-30 sections already contain this language; this amendment will include it in the MR-9 section. Ms. Simmonds asked if this would affect the 8' setback between buildings, Mr. DeSimone said that two buildings could either have a 0' setback or 8' or greater. Ms. Simmonds asked what this amendment would be accomplishing. Mr. DeSimone said it is already in the MR-12, MR-20 and MR-30 zones; it allows for townhouse style, attached housing style development and the ability to sell property individually.

COMMISSION: Commissioner Jensen asked if this was a common wall or a zero lot line with two walls/structures. He was concerned for liability and safety with one wall. Mr. DeSimone said the intent is for a zero lot line, there are generally two walls, however, there could be a single wall if it meets the building code requirements.

Mr. Taylor, the Chief Building Official, advised that there is an option for a common wall if it is designed and built properly.

Mr. Housley, the City Attorney, advised that the Commission cannot regulate something if the Building Code allows for it.

MOTION: Commissioner Jensen moved to forward a **recommendation for approval** to the Municipal Council for an amendment to the Land Development Code as outlined in PC 15-037 with the findings for approval as listed below. Commissioner Nielson seconded the motion.

FINDINGS FOR APPROVAL

1. Utah state law authorizes local Planning Commissions to recommend ordinance changes to the legislative body (Municipal Council).
2. The amendment is in conformance with the requirements of Logan Municipal Code Title 17.51,
3. The amendment clarifies side yard setbacks for common wall development patterns which is appropriate in the multi-family residential, commercial and industrial zones.
4. The provisions of the amendment are consistent with the overall goals and objectives of the Logan General Plan.
5. No public comment has been received regarding the proposed amendment.

Moved: Commissioner Jensen Seconded: Commissioner Nielson **Passed: 6-0**

Yea: A. Davis, R. Croshaw, T. Jensen, T. Nielson, R. Price, S. Sinclair Nay: Abstain:

PC 15-040 LDC Amendment – 17.40 Temp Signs Logan City requests amendment to the Land Development Code section 17.40 to clarify temporary signs.

STAFF: Mr. DeSimone reviewed the request for an amendment to Section 17.40 (Signs) of the Land Development Code to include the following:

Section 17.40.120 Banners:

The proposed amendment to Banner Signs includes a provision to permit banner flags (also called sails, feathers, teardrops) and includes some clean-up language.

Section 17.40.140 Prohibited Signs:

The proposed amendment under subsection 17.40.140.S clarifies that “balloons” are not a prohibited sign or item under the Sign Code.

Banner signs are becoming more common and we have had a number of requests to allow them. We have also had businesses request that we clarify whether balloons are permitted or prohibited as a number of businesses use balloons during promotional events.

PUBLIC: None

COMMISSION: None

MOTION: Commissioner Nielson moved to forward a **recommendation for approval** to the Municipal Council as outlined in PC 15-040 with the findings for approval as listed below. Commissioner Sinclair seconded the motion.

FINDINGS FOR APPROVAL

1. Utah state law authorizes local Planning Commissions to recommend ordinance changes to the legislative body (Municipal Council).
2. The amendment is in conformance with the requirements of Title Logan Municipal Code 17.51.
3. The amendment expands and/or clarifies temporary signs to permit flag banners and balloons.
4. The provisions of the amendment are consistent with the overall goals and objectives of the Logan General Plan.
5. No public comment has been received regarding the proposed amendment.

Moved: Commissioner Nielson Seconded: Commissioner Sinclair **Passed: 6-0**

Yea: A. Davis, R. Croshaw, T. Jensen, T. Nielson, R. Price, S. Sinclair Nay: Abstain:

STAFF: Mr. Holley reviewed the request to adopt, by resolution, a version of the Logan City Bicycle & Pedestrian Master Plan (BPMP), which is a citywide comprehensive master plan that is meant to guide policy and resource allocation by city leaders for future infrastructure improvements, education programs and encouragement techniques for better walking and bicycling opportunities throughout the city.

Phase 2 Review:

At the request of the Planning Commission, staff prepared three-phased presentation to break the large master plan document into smaller more manageable review sections. The first phase focused on the vision statement, plan goals, existing policies, inventory, demographics and needs analysis. The second phase will focus on program and infrastructure design recommendations. The third phase will focus on cost and implementation.

The plan focuses on education, encouragement, empowerment and evaluation to properly prepare users for urban active transportation and create a successful bicycling and pedestrian program. This plan breaks the layout and network design into either a linear improvement or a spot improvement. The linear network includes a variety of different options including, shared roadways, bike lanes, shared-use pathways and trails to give users multiple options along with multiple routes that access major destination and employment centers. Spot improvements include isolated barriers or challenging locations that could be improved to better accommodate pedestrian or bicycle activity. The proposed maps on page 69 & 70 will be an important consideration throughout the adoption process.

PUBLIC: Several emails were received and distributed to the Commission prior to the meeting.

Peggy Neuber expressed concern about bikes having to go onto the sidewalk in order for the crossing lights to be activated. Often times at roundabouts vehicles do not recognize bicyclists. The area at 300 South Main (where the new Maverik will be built) is quite a narrow area and there needs to be some consideration in that area. She supports the plan and considers this to be an important aspect in encouraging more citizens to walk and bike.

Madeline Merck is a bicyclist and very supportive of the plan. She is anxious to see more people get out and have an opportunity to exercise safely. Education is a very important component of this plan. She said the area at 700 North on 200 East can be a little scary because the travel lane narrows where the sidewalk extension is located.

Joe Tennant said that prior to moving to Logan he lived in Provo and they had a robust bike lane system and he rode quite a bit. He does not feel safe on the roadways around here; there is very little respect between vehicles and cyclists. He is concerned with the gaps on sidewalks throughout town (e.g. 200 South, west of 600 West) where pedestrians are often forced out onto the road. There are trees on 600 West 100 South that obscure visibility to the road and can be quite unsafe. He and his children have all had several accidents and close calls with motorists.

Stephanie Tomlin commended the plan for legitimizing active transportation choices, allowing for more options holistically. The plan does not indicate that all roads are appropriate but identifies the main cycling arterials. She is very supportive of the plan.

COMMISSION: Commissioner Price asked about the scoring criteria related to Table 4.1 on page 57. Mr. Holley explained that it is equated in the implementation tables, which will be discussed at the August 27 meeting.

Chairman Davis asked for an example of an area which would be good for a buffer lane. Mr. Holley referred to the map on page 17 and noted sections of 200 East and 100 West depending on road widths and or traffic.

Commissioner Croshaw asked if a buffer lane, or designated bicycle lane, would eliminate a vehicle traffic lane. Mr. Holley said traffic lanes would not be eliminated; on-street parking might be taken out if necessary. The main goal of the plan is to reallocate space that is already there. Widening roads can be quite expensive so the desire is to use the available space as efficiently as possible.

Commissioner Jensen asked if the neighborhoods were able to weigh in on the plan. Mr. Holley said there were several public meetings held and it was presented to the Neighborhood Council members for feedback.

Commissioner Jensen asked about bike boxes (referred to on page 66). Mr. Holley explained that bicyclists often have a difficult time getting over to the center lane for left-hand turns. These boxes are designated areas located at the head of a traffic lane at a signalized intersection to provide bicyclists with a safe and visible space to get in front of queuing traffic at a red light. Vehicles would be required to stop behind the white line at the rear of the bike box.

Commissioner Jensen noted that there are some well-designed bike lanes in Salt Lake that have space between the lane and parked vehicles. Accidents often occur when lanes are located next to where cars park. Mr. Holley said this is one of the reasons why a buffered bike lane – possibly with a barrier – is considered.

Commissioner Price noted for members of the audience that the education portion of the plan can be found on Table 3.1 on page 47. He also stated that extended walkways may seem counterintuitive; however it reduces the crossing distance for pedestrians and helps decrease risk. There has been quite a bit of thought put into implementation strategies and great maps to help with analysis. He suggested identifying major work locations and routes to get to those destinations. He would like to see more intermodal connections for bicyclists who also have a need for public transportation. He agreed with the narrative of the plan which points out that Main Street is a primary barrier, however, questioned the lack of recommendations at the Y-intersection. Mr. DeSimone explained there is a study at that intersection being done currently and the City is working with UDOT on possible recommendations.

Commissioner Jensen complimented staff and Alta Planning & Design for all the work on this document. He said there is a need for circuits and continuous routes to be identified. He also said the current mindset is for bicyclists to “get out of the way” and there needs to be a basic respect between bicyclists and motorists.

The discussion will continue to the next meeting of August 27, 2015.

WORKSHOP ITEMS for August 27, 2015

- ✓ PC 15-042 777 Subdivision
- ✓ PC 15-043 LDC Amendment – 17.31 Floodplains
- ✓ PC 15-044 Rocky Mt. Care Assisted Living [Design Review & Conditional Use Permit]
- ✓ PC 15-045 4th North Corridor Master Plan

Meeting adjourned at 7:40 p.m.

Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of August 13, 2015.

Michael A. DeSimone
Community Development Director

Amanda Davis
2015 Planning Commission Chair

Russ Holley
Senior Planner

Amber Reeder
Planner II

Debbie Zilles
Administrative Assistant